



Solutions for a
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health
In Support of LD 960, “An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl
Substances, PFAS, in Products and of Discharges of Firefighting
Foam Containing PFAS”
Before the Environment and Natural Resources Committee
April 5, 2021

Good morning, Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee: My name is Sarah Woodbury. I am the director of advocacy for Defend Our Health, formerly known as the Environmental Health Strategy Center. Defend Our Health’s mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes and products that are toxic-free and climate friendly. I am here to testify in support of LD 706 “An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS”. This bill would require manufacturers of products with intentionally added PFAS to report the presence of those substances in those products to the DEP beginning in 2023. This bill also requires any person who causes a discharge of aqueous film-forming foam into waters of the State to report that discharge to the department within 24 hours.

PFAS are persistent chemicals that do not break down and can remain both in the human body and in the environment for years. They are nick-named “forever chemicals” for a reason. They are ubiquitous. PFAS have been linked to interference with normal brain development in children, diminish response to vaccines and harm the immune system, may increase the risk of some cancers, may lower a woman’s chance of getting pregnant, and have been associated with liver problems and increased cholesterol levels. We are exposed to these toxic chemicals in a variety of products including food packaging, cooking supplies, clothing, cosmetics, furniture, and fire fighting foam.

However, in almost all cases there is NO requirement for PFAS to be disclosed – neither to the consumer, nor to state or federal regulations. We only know PFAS has been used in many products is because independent labs have conducted tests. This makes it difficult as consumers to make better choices, and for regulators to understand sources of the PFAS. This committee is acutely aware of the problems that have been presented by PFAS contaminated municipal and industrial sludge being land applied, contaminating land, water, and agricultural products. Testing of sludge statewide, from small towns to our major cities, showed PFAS in excess of the state’s standards. Septage, which is non-industrial waste, had levels on average even higher than municipal sludge. In order to address PFAS in sludge, we must understand the sources that are contributing to the sludge.

LD 960 would help provide answers by requiring the disclosure of PFAS content. That is a necessary first step to being able to stop PFAS at the source and get it out of our waste stream.

However, having the information alone is not enough. It is important that we recognize that in most cases, there is no need for PFAS to actually be used in these products. For most uses of PFAS, there are safer alternatives available. This is the case with firefighting foam, where PFAS-free foams meet the same requirements of PFAS foams widely used by fire departments. Indeed, with the growing realization of the dangers presented by PFAS and the disposal challenges PFAS create, leading manufactures are voluntarily reformulating their products without PFAS, and major retailers are refusing to stock products containing PFAS. Keen shoes announced they will be eliminating PFAS. Interface and Shaws, two of the largest manufactures of carpet don't make it with PFAS anymore, and home improvement giants Lowes and Home Depot won't sell carpeting with PFAS. These actions show that the properties imposed by PFAS can be acceptably and affordably accomplished in other ways.

Therefore, while we support LD 960's collection of information, this collection should be paired with opportunities to undertake action. There is legislation that will be before this committee this session that would follow the lead this bill and require reporting. It would also require the state start to phase-out the currently unavoidable uses of PFAS in consumer products, helping to stop PFAS contamination at the source. Additionally, there will also be legislation before this committee that would help the state move away from the use of AFFF foam, following our friends in states like Washington, Colorado and our neighbors in New Hampshire that have already ordered an immediate transition to PFAS-free foams.

While we are in support of LD 960, we urge the committee to refrain from making a decision on this bill until the legislation I mentioned can be heard.

Thank you for your time.